

Attorney's
Docket
Number CME-117

Declaration, Petition and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

ULTRASOUND-MEDIATED DRUG DELIVERY

the specification of which

(check one)

X is attached hereto.

— was filed on _____ as

Application Serial No. _____

and was amended on _____
(if applicable)

I do not know and do not believe that the subject matter of this application was known or used by others in the United States or patented or described in a printed publication in any country before my invention thereof, or patented or described in a printed publication in any country or in public use or on sale in the United States more than one year prior to the date of this application, or first patented or caused to be patented or made the subject of an inventor's certificate by me or my legal representatives or assigns in a country foreign to the United States prior to the date of this application on an application filed more than twelve months (six months if this application is for a design) before the filing of this application; and I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

CLAIM OF BENEFIT OF EARLIER FOREIGN APPLICATION(S)

I hereby claim priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application(s) for patent or inventor's certificate filed by me on the same subject matter having a filing date before that of the application(s) from which priority is claimed.

Check one:

no such applications have been filed.

such applications have been filed as follows

**EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

| Country | Application Number | Date of Filing (month,day,year) | Priority Claimed Under 35 USC 119 |
|---------|--------------------|------------------------------------|--|
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

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CLAIM FOR BENEFIT OF U.S. PROVISIONAL APPLICATION(S)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

60/074231 February 10, 1998
(Application Serial No.) (Filing Date)

_____ _____
(Application Serial No.) (Filing Date)

RECEIVED - CERTIFICATE

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any earlier United States application(s) or PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the earlier application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date(s) of the earlier application(s) and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier application(s), if any, described below, I do not know and do not believe that the same was known or used by others in the United States or patented or described in a printed publication in any country before my invention thereof, or patented or described in a printed publication in any country or in public use or on sale in the United States more than one year prior to the date(s) of said earlier application(s), or first patented or caused to be patented or made the subject of an inventor's certificate by me or my legal representatives or assigns in a country foreign to the United States prior to the date(s) of said earlier application(s) on an application filed more than twelve months (six months if this application is for a design) before the filing of said earlier application(s); and I acknowledge that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

| (Application Serial No.) | (Filing Date) | (Status) (patented,pending,aband.) |
|--------------------------|---------------|---------------------------------------|
| | | |

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

| | | | |
|------------------------|-----------------|--------------------------|------------------|
| W. Hugo Liepmann | Reg. No. 20,407 | Lawrence E. Monks | Reg. No. 34,224 |
| James E. Cockfield | Reg. No. 19,162 | David A. Lane, Jr. | Reg. No. 39,261 |
| Thomas V. Smurzynski | Reg. No. 24,798 | Catherine J. Kara | Reg. No. 41,106 |
| Ralph A. Loren | Reg. No. 29,325 | Scott D. Rothenberger | Reg. No. 41,277 |
| Thomas J. Engellenner | Reg. No. 28,711 | Thomas P. Grodt | Reg. No. 41,045 |
| Giulio A. DeConti, Jr. | Reg. No. 31,503 | Linda M. Chinn | Reg. No. 31,240 |
| Ann Lamport Hammitte | Reg. No. 34,858 | Kevin J. Canning | Reg. No. 35,470 |
| Paul Louis Myers | Reg. No. 35,965 | Ivana Maravic-Magovcevic | Reg. No. P43,338 |
| Elizabeth A. Hanley | Reg. No. 33,505 | Faustino A. Lichauco | Reg. No. P41,942 |
| John V. Bianco | Reg. No. 36,748 | C. Eric Schulman | Reg. No. P43,350 |
| Amy E. Mandragouras | Reg. No. 36,207 | Jeanne M. DiGiorgio | Reg. No. P41,710 |
| Anthony A. Laurentano | Reg. No. 38,220 | Megan E. Williams | Reg. No. P43,270 |
| Jane E. Remillard | Reg. No. 38,872 | Nicholas P. Triano III | Reg. No. 36,397 |
| Jeremiah Lynch | Reg. No. 17,425 | Peter C. Lauro | Reg. No. 32,360 |

Send Correspondence to Thomas J. Engellenner, Esq. at Customer Number: 000959 whose address is:

Lahive & Cockfield, LLP, 28 State Street, Boston, MA 02109

Direct Telephone Calls to: (name and telephone number)

Thomas J. Engellenner, Esq., (617) 227-7400

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | |
|---|------|
| Full name of first inventor Anthony Atala | |
| Inventor's signature | Date |
| Residence 74 Westerly Road, Weston, MA 02493 | |
| Citizenship United States | |
| Post Office Address (if different) same as above | |

| | |
|--|------|
| Full name of second inventor Marcelle Machlouf | |
| Inventor's signature | Date |
| Residence 34a Harvard Avenue, #2, Brookline, MA 02146 | |
| Citizenship United States | |
| Post Office Address (if different) same as above | |

GENT DRAFT DPOA

Applicant or Patentee: Anthony Atala and Marcelle Machlouf

Serial or Patent No.: N/A

Filed ~~1998~~ Herewith

Title: ULTRASOUND-MEDIATED DRUG DELIVERY

Attorney's
Docket No.: CME-117

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION Children's Medical Center Corporation

ADDRESS OF NONPROFIT ORGANIZATION 300 Longwood Avenue, Boston, Massachusetts 02115

TYPE OF NONPROFIT ORGANIZATION

- UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
 TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))
 NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)
 WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA
 WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention entitled

ULTRASOUND-MEDIATED DRUG DELIVERY

by inventor(s) Anthony Atala and Marcelle Machlouf

described in

- the specification filed herewith.
 application serial no. _____, filed _____
 patent no. _____, issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING William New

TITLE IN ORGANIZATION OF PERSON SIGNING Vice President, Research Administration

ADDRESS OF PERSON SIGNING Children's Medical Center Corporation, 300 Longwood Avenue, Boston, MA 02115


SIGNATURE

July 13, 1998

DATE